

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I,
PALA**

**Present: Smt. Shermin S.S.,
Judicial First Class Magistrate -1, Pala**

Dated: 20th day of May, 2026

CMP. 2716/25 in CC.604/2017

- Petitioner/ Accused 1: Arun K.P, aged 40 yrs, S/o Krishnappanikkar,
Arun Nivas, Cherthala Kizhakkumbhagam Kara,
Kokkothamangalam Village.
- 2: Akhil K.P, aged 34 yrs, S/o Krishnappanikkar,
Arun Nivas, Cherthala Kizhakkumbhagam Kara,
Kokkothamangalam Village.
(Rep. By Adv: Jayakrishnan Vazhoor M)
- Counter petitioner : State represented by Sub Inspector of police,
Ettumanoor in Cr.No.1034/13
(BY.Smt. Hima A.R, APP, Pala)
- Offence : Punishable u/s.294(b), 323, 324, 326, 506(ii), 201
r/w 34 of IPC.
- Prayer : u/s 239 of CrPC.
- Sentence/order : Petition dismissed.

ORDER

This is a petition filed by the counsel for the petitioners/ accused no.1 & 2
u/s 239 Cr.P.C.

2. The petitioners are the accused no.1& 2 in CC.604/17. The main prayer in
this petition is to discharge the petitioners/ accused nos. 1 & 2. The offences
alleged against him are u/s 294(b), 323, 324, 326, 506(ii), 201 r/w 34 of IPC.

The main allegation is that due to the previous enmity towards defacto complainant, on 02/08/2013 at 02.30 p.m, KSRTC Bus bearing Reg.No.KL-15-8215(RNC 29, Pala Depo) reached at KSRTC Bus Stand, Ettumanoor, in furtherance of their common intention, accused persons uttered obscene words towards CW1 after entering inside the bus. Accused no.1 beat CW1's face, head and forehead using an *Idikatta* as a dangerous weapon. At that time accused no.2 beat CW1's head and face using the handle of umbrella which was in possession of accused no.2. When CW1 fell down, accused no. 1 & 2 kicked CW1's chest and stomach. They criminally intimidated to kill CW1. CW1 sustained grievous injuries including fracture to his nasal bone. He lost his balance when he tried to walk. He also loss hearing ability of his left ear by the act of the accused persons. Thereafter accused persons hide the weapons used in the alleged offence.

3. The petitioners stated that they have not committed any offences as alleged by the prosecution and they are innocent. The petitioners are falsely implicated this case. In this petition stated that in the statement of CW1, nothing is mentioned about obscene words used by accused or caused annoyance made by the accused No.1 & 2. No evidence available against this petitioners to prove the offences alleged against them. Hence they are entitled to get a discharge.

4. Notice issued.

5. Heard both sides.

6. The petitioner contented that no evidence available to attract sec. 294(b), 323, 324, 326, 506(ii), 201 r/w 34 of IPC. But on perusal of FIS and other documents, I am of the view that it is matter of evidence. On considering the entire case records, I am prima facie satisfied that there is sufficient ground to conduct the trial proceedings and prima facie evidence available. After evaluating entire evidence, there is prima facie material exists to conduct trial. Hence, this petition can not be allowed at this stage.

In the result, this petition is dismissed.

Dictated to the Confidential Assistant transcribed and typed by her, corrected by me and pronounced in the open Court on this day, the 20th day of May, 2026.

Sd/-
Judicial First Class Magistrate-I
Pala.

//True Copy//

Sd/-
Judicial First Class Magistrate-I
Pala.